


and further in view of U.S. Patent No. 6,418,326 to Heinonen et al. ("Heinonen"). Claim 29 stands rejected for obviousness over Proust A in view of Kolev and further in view of U.S. Patent No. 6,512,923 to Pallas et al. ("Pallas"). Claim 32 stands rejected for obviousness over Proust A in view of Kolev and further in view of U.S. Patent No. 5,991,618 to Hall et al. ("Hall").

Kolev is cited in all the rejections. 35 U.S.C. § 103(c) provides, in relevant part, that subject matter which qualifies as prior art only under 35 U.S.C. § 102(e), (f), or (g) shall not preclude patentability provided the subject matter and the claimed invention were owned by the same person or subject to an obligation of assignment to the same person at the time the invention was made. The present application was filed September 29, 2000. Kolev was filed April 24, 1998, and issued on March 12, 2002. Accordingly, Kolev is prior art only under 35 U.S.C. § 102(e). Kolev is assigned to Ericsson, Inc. (see attached copy of Certificate of Correction) and the present application is assigned to Telefonaktiebolaget LM Ericsson, which is and was at the time the invention was made the parent company of Ericsson, Inc. Accordingly, both the present application and Kolev were subject to an obligation of assignment to the same person at the time the invention was made (see also MPEP 706.02(I)). Therefore, pursuant to 35 U.S.C. § 103(c), Kolev cannot preclude the patentability of claims 18-34 of the present application and the rejections should be withdrawn for at least this reason.

For the foregoing reasons, Applicants consider the application to be in condition for allowance and respectfully request notice thereof at an early date. The Examiner is encouraged to telephone the undersigned at the below-listed number if, in the Examiner's opinion, such a call would aid in the examination of this application.

Respectfully submitted,

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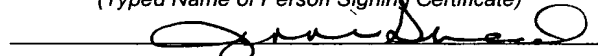
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Date: November 10, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 10, 2003

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Date of Signing: November 10, 2003